



CERTIFICATE OF MAILING

I hereby certify that this RESPONSE is being deposited with the U.S. Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 3rd day of November, 2004

Typed or Printed name of person signing this certificate:

Wendy A. Frick

Signed: \_\_\_\_\_

*Wendy A. Frick*

Customer Number

24024

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Warman, et al.

Serial No.: 09/931,375

Filed: August 17, 2001

For: **REGULATOR GENE AND SYSTEM  
USEFUL FOR THE DIAGNOSIS AND  
THERAPY OF OSTEOPOROSIS**

) Examiner: Seharaseyon, J.  
)  
)

) Art Unit: 1647  
)  
)

) Attorney Docket No.: 27708/04049  
)  
)

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Attention: Examiner Seharaseyon, J.

**RESPONSE TO NOTICE TO COMPLY**

Dear Sir:

The following is in response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed on October 6, 2004. With respect to the sequences that are disclosed in the present application, e.g., in Figures 2, 3, 5, 6, and 13, such sequences are included in the Sequence Listing that was entered into the PTO's database on March 1, 2002. Accordingly, Applicants believe that another sequence listing is not required. If this is not the case, the Patent Office is invited to contact the undersigned at the number listed below.

Pursuant to the undersigned's telephone conversations with Examiner Seharaseyon on November 1, 2004, and November 2, 2004, it is Applicants' understanding the sequences for the proteins recited in claims 9 and 31 of the present application are not required, as they are known in the art. Applicants thank Examiner Seharaseyon for assisting Applicants in resolving this issue.

With respect to the election of species for claim 9, Applicants elect a human Wnt protein.

Respectfully submitted,

Date: November 3, 2004

By: Pamela A. Docherty  
Pamela A. Docherty, Reg. No. 40,591  
(216) 622-8416

<b>Notice to Comply</b>	Application No. 69/ 9 31 375	Applicant(s)	
	Examiner J. Scheraga	Art Unit 1647	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

**Applicant Must Provide:**

- ☐ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212 or 308-2923

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Customer Number

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Art Unit: 1647

Attorney Docket No.: 27708/04049

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

**Attention: Examiner Seharaseyon, J.**

**TRANSMITTAL OF RESPONSE TO NOTICE TO COMPLY**

Sir:

Transmitted herewith are the following:

1. Response to Notice to Comply;
2. A copy of the Notice to Comply; and
3. Return receipt postcard.

It is believed that no further fee is required relating to the filing of this Response. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172. A duplicate copy of this sheet is attached.

Respectfully submitted,

Date:

November 3, 2004

By:

Pamela A. Docherty  
Pamela A. Docherty, Reg. No. 40,591  
(216) 622-8416